

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Belinda Curtis, §
Plaintiff, §
§
v. § Civil Action No.
§
§
Liberty Life Assurance Company of Boston, §
Defendant. §

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Liberty Life Assurance Company of Boston ("Liberty Life") gives notice that the civil action captioned *Belinda Curtis v. Liberty Life Assurance Company of Boston* (No. 08-E-0023) is hereby removed to the United States District Court for the District of New Hampshire from the State of New Hampshire Superior Court for Strafford County (hereinafter "State Court"), where it originally was filed and now is pending. Copies of all process, pleadings and orders received by Liberty Life in that action are being filed with this Notice of Removal.

Statement of Grounds for Removal

1. Defendant has the right to remove this action because the Court has federal question jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1441 and 29 U.S.C. § 1132(e), insofar as plaintiff asserts a cause of action for the alleged wrongful denial of disability benefits, which benefits were made available to her by an employee benefit plan governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1001 *et seq.* Accordingly, plaintiff's exclusive remedy to recover disability benefits is an action brought under the civil enforcement provisions of ERISA and her state law claims are

completely preempted under § 502(a) of ERISA. *See Metropolitan Life Insurance Co. v. Taylor*, 481 U.S. 58, 67 (1987); *Aetna Health Inc. v. Davila*, 542 U.S. 200, 209 (2004).

Procedural Requirements

3. This Notice of Removal is timely under 28 U.S.C. § 1446(b) in that defendant was served on or after March 4, 2008, and this Notice of Removal is filed within 30 days of such date.

4. In accordance with 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, defendant will give written notice of the removal to all parties and will file a copy of this Notice of Removal with the Clerk of the State Court.

Respectfully submitted,

LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON

By Its Attorneys,
SULLOWAY & HOLLIS, P.L.L.C.

DATED: March 19, 2008

By: /s/ William D. Pandolph #5579
William D. Pandolph, Esq.
Bar No. 5579
9 Capitol Street
P.O. Box 1256
Concord, NH 03302-1256
(603)224-2341
e-mail: wpandolph@sullivan.com

CERTIFICATE OF SERVICE

I hereby certify that this Notice was served on the following persons on this date and in the manner specified herein: Electronically Served Through ECF: William J. Quinn, Esq.

DATED: March 19, 2008

By: /s/ William D. Pandolph #5579
William D. Pandolph, Esq.
Bar No. 5579
9 Capitol Street
P.O. Box 1256
Concord, NH 03302-1256
(603)224-2341
e-mail: wpandolph@sullivan.com